

TENTATIVE RULINGS for CIVIL LAW and MOTION

December 16, 2015

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Please take note that Yolo Superior Court is now located at 1000 Main Street, in Woodland.

Telephone number for the clerk in Department Eleven: (530) 406-6843

TENTATIVE RULING

Case: **Grill v. Meritage Homes of California, Inc.**
Case No. CV CV 11-13

Hearing Date: **December 16, 2015** **Department Eleven** **9:00 a.m.**

Cross-defendant Beutler Corporation's ("Beutler") request that the Court take judicial notice of item nos. 1 through 3 is **GRANTED**. (Code Civ. Proc., § 452, subd. (d).) The declines to take judicial notice of item no. 4 as the Court's file does not contain a tentative ruling dated September 1, 2015.

Cross-complainant Meritage Homes of California, Inc.'s ("Meritage") request for judicial notice is **GRANTED**. (Code Civ. Proc., § 452, subd. (d).)

Meritage's evidentiary objections are **OVERRULED**.

Beutler's motion for leave to file a cross-complaint is **GRANTED**. (Code Civ. Proc., §§ 426.30, 426.50.) Meritage fails to establish that Beutler has acted in bad faith. (*Silver Organizations Ltd. v. Frank* (1990) 217 Cal.App.3d 94, 98-100; Decl. of J. Scott Donald, ¶¶ 1-3; Decl. of Jessica L. Moran, ¶¶ 6, 9-11.) Beutler shall file its cross-complaint by December 21, 2015.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312, or further notice is required.

Cross-defendant OAG Architects, Inc.'s unopposed motion for determination of good faith settlement is **GRANTED**. (Code Civ. Proc., § 877.6.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312, or further notice is required.

TENTATIVE RULING

Case: **Horner v. Asbestos Corp.**
Case No. CV CV 13-1626
Hearing Date: **December 16, 2015** **Department Eleven** **9:00 a.m.**

Defendant CSK Auto, Inc.'s unopposed motion for leave to file a cross-complaint is **GRANTED**.

The notice of motion does not provide notice of this Court's tentative ruling system as required by Local Rule 11.4(b). Counsel for moving party is ordered to notify the opposing party or parties immediately of the tentative ruling system and to be available at the hearing, in person or by telephone, in the event the opposing party or parties appear without following the procedures set forth in Local Rule 11.4(a).

TENTATIVE RULING

Case: **Karimzada v. Regents of the Univ. of Calif.**
Case No. CV PO 14-664
Hearing Date: **December 16, 2015** **Department Eleven** **9:00 a.m.**

Defendant Regents of the University of California's motion to compel plaintiff Abdul Karimzada to respond to special interrogatories, set one, and requests for production, set two, and to compel plaintiff Najia Karimzada to respond to special interrogatories, set two, is **GRANTED**. (Code Civ. Proc., §§ 2030.290, subd. (b) & 2031.300, subd. (b).) Plaintiffs concede the merits of the motion. Plaintiff Abdul Karimzada shall serve verified responses, together with any responsive documents, by no later than December 31, 2015. Plaintiff Najia Karimzada shall provide verifications for her responses by no later than December 31, 2015.

Monetary sanctions are awarded against both plaintiffs, jointly and severally, in the amount of \$700.00. (Lewis Decl., ¶ 8; Code Civ. Proc., §§ 2030.290, subd. (c) & 2031.300, subd. (c).) Sanctions are not awarded for fees not yet incurred. The sanctions shall be paid by December 31, 2015.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rule of Court 3.1312, or further notice is required.